

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JEROME BEECHAM,

Plaintiff,

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SA-21-CV-00845-FB

vs.

IRONCLAD ENERGY LLC,

Defendant.

ORDER

Before the Court in the above-styled cause of action is Defendant's Motion to Compel Plaintiff's Discovery Responses [#9], by which Defendant seeks an order compelling Plaintiff to fully respond to written discovery served on February 24, 2022. This case was referred the undersigned for all pretrial proceedings on May 26, 2022, along with the pending motion. The Court held a hearing on the motion on this day, at which counsel for all parties appeared by videoconference. At the hearing, the parties confirmed what is reflected in their Joint Advisory filed on June 8, 2022 [#13], that Plaintiff has complied with the majority of the requests for supplemental responses to Defendant's requests for production and interrogatories and has withdrawn the majority of asserted objections. The three requests for production to which Plaintiff had not yet withdrawn his objections—Request for Production 6, 47, and 48—were addressed at the hearing. Plaintiff agreed to withdraw his objections to these three discovery requests and confirmed on the record that he is not withholding any relevant, non-privileged responsive discovery.

Plaintiff's counsel also confirmed that he has repeatedly apprised his client of the ongoing obligation to supplement his discovery responses with any responsive documents he later discovers to be in his possession. Plaintiff's deposition is currently set for July 15, 2022. The Court hereby informs Plaintiff that if responsive documents not previously produced are discovered after the deposition, the Court will likely grant any request by Defendant to reopen the deposition. The Court further reminds Plaintiff that if he locates his cell phone, on which he sent and received various messages at the center of this lawsuit, he must immediately preserve the cell phone and turn it over to his attorney, who should confer with defense counsel about engaging a forensic expert to ensure the preservation of relevant evidence.

As the parties' have resolved all outstanding discovery issues raised in Defendant's motion,

IT IS HEREBY ORDERED that Defendant's Motion to Compel Plaintiff's Discovery Responses [#9] is **DISMISSED AS MOOT**.

SIGNED this 10th day of June, 2022.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE